IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33532 of 2007(P)

PETITIONER:

K.MUHAMMED ASHARAF, PROPRIETOR,
CLASSIC TRADERS, SREEKANDAPURAM, KANNUR DISTRICT,
PIN 670 631.

BY ADV. SRI.V.P.SUKUMAR
SRI.BEJOY CHERIYAN

RESPONDENTS:
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1. THE COMMERCIAL TAX OFFICER,
TALIPARAMBA.

2. THE DEPUTY COMMISSIONER(APPEALS)
COMMERCIAL TAXES, KOZHIKODE.

3. THE TAHSILDAR, TALIPARAMBA.

BY ADV. SRI. GOVINDAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC , J

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W.P.(C). NO. 33532 OF 2007

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Dated this the 14th day of November, 2007.

JUDGMENT

Exts.P1 and P2 are two assessment orders and Ext.P3 is an order imposing penalty. Aggrieved by these orders, the petitioner has filed Exts.P6, P7 and P8 appeals which are pending before the 2nd respondent. However, the petitioner has not applied for any stay of recovery pursuant to the orders appealed against. While so, the revenue recovery proceedings were initiated by Ext.P9 and now by Ext.P11, 15 cents of land belonging to the petitioners is sought to be sold for recovery of the dues under Exts. P1 to P3. Challenging the coercive action that is initiated, the present writ petition has been filed.

2. Now that the appeals Exts.P6, P7 and P8 are pending before the 2nd respondent, I am inclined to direct the said respondent to dispose of the appeals. Hence, I direct the 2nd respondent to dispose of the said appeals, as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this judgment.

3. In the meanwhile, further proceedings pursuant to the recovery proceedings pursuant to Ext.P9 and P11 notices also

shall be kept in abeyance on depositing Rs.15,000/- within three weeks from today.

4. The petitioner shall produce a copy of the judgment before the 2nd respondent for compliance.

The writ petition is disposed of accordingly.

ANTONY DOMINIC, JUDGE.

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